UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,866	11/21/2003	David Paul Limont	MS#303717.01 (5221)	3063

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EXAMINER
CHEEMA, UMAR

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NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _04 August 2008_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-21 and 23_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-21, 23_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
         application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   This action is in response to Request for Continued Examination (RCE)

transmitted on 08/04/2008. Claims 1-21 and 23 are pending in this action and claim 22

has been cancelled. Claims 12, 21 and 23 has been amended.

A request for continued examination under 37 CFR 1.114 was filed in this

application after appeal to the Board of Patent Appeals and Interferences, but prior to a

decision on the appeal. Since this application is eligible for continued examination

under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the

appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this

application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed

on 08/04/2008 has been entered.

Response to Arguments

2.   Applicant's arguments with respect to claims 1-21 and 23 have been considered

but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating obviousness or nonobviousness.

3.   Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Reed et al (Reed) (US 2002/0095454) in view of Thomas et al (Thomas) (US

2003/0004917) and further in view of Border et al (Border) (US 2002/0071436).

Regarding Claim 1, Reed substantially discloses the invention as claimed a method to

provide a sync notification to a client device comprising the steps of: receiving

notification that an event of interest has been received (see par. 0023, par. 0207; a

notification is received that meets certain criteria and therefore is of interest);

determining a state of the client device, said state indicating whether or not the device

has outstanding sync notifications, said state being determined based on a

trackingGUID and a syncGUID (see par. 0032, par. 0209; based on comparison of the

values of the two identifiers, the sync determination is made); and if the state of the

client device indicates that the client device has no outstanding sync notifications (see

par. 0209-0210; the value of the two identifiers are compared to determine if a sync is in

order): setting trackingGUID equal to the syncGUID, wherein the syncGUID is updated

after each successful device synchronization of the client device (see par. 0209-0210;

the version value is updated as a result of successful sync); setting a timeout equal to a

current time plus a predetermined value, said timeout being used to determine the

maximum time between sync notifications if the state of the client device indicates the

client device has at least one outstanding sync notification (see par. 0209; the value of

the two identifiers are compared to determine if a sync is in order); and sending the

sync notification to the client device (see par. 0291-0292; the appropriate action (sync

notification) is sent to the client); and not sending the sync notification to the client

device (see par. 0291-0292; the appropriate action of deletion or inactivation of the

recipient instance) if the state of the client device indicates that the client device has at

least one outstanding sync notifications (see par. 0209-0210; the value of the two

identifiers are compared to determine if a sync is in order).

Reed substantially discloses the invention as claimed above but does not

explicitly disclose wherein setting the trackingGUID equal to the syncGUID. However in

the same field of invention Thomas discloses wherein setting the trackingGUID equal to

the syncGUID (see par. 0035-0037). It would have been obvious to one of the ordinary

skill person in the art of networking to combine the teaching of Reed and Thomas for

the synchronization method and system for sender and receiver of the notification.

Reed and Thomas substantially disclose the invention as claimed but does not

explicitly disclose wherein said setting a timeout equal to a current time plus a

predetermined value, said timeout being used to determine the maximum time between

sync notifications. However in the same field of invention Border discloses wherein said

setting a timeout equal to a current time plus a predetermined value, said timeout being

used to determine the maximum time between sync notifications (see par. 0239-0240;

expiration time of timer indicates maximum length of time and par. 0291-0292; sync

notification).

It would have been obvious to one of the ordinary skill person to combine the

teaching of Reed, Thomas and Border for setting timeouts to make certain other end

acknowledges notifications that are sent. Motivation so doing so would have been that

the method will be improved toward performing notifications synchronization.

Regarding Claim 2, the combination of Reed, Thomas and Border disclose the method

of claim 1 further comprising the step of sending the sync notification to the client device

if the trackingGUID equals the syncGUID and the current time is greater than the

timeout (see Reed: par. 0291, 0209, Boarder: par. 0239-0240, Thomas: par. 0035-

0037).

Regarding Claim 3, the combination of Reed, Thomas and Border disclose wherein

Boarder further discloses the method of claim 2 further comprising the step of setting

the timeout equal to the current time plus the predetermined value (see par. 0239-

0240).

Regarding Claim 4, Reed discloses the method of claim 1 further comprising the step of

receiving a device/user configuration file having at least one of the syncGUID and the

trackingGUID (see par. 0209; receives a file (communication object) with at least one ID (version value)).

Regarding Claim 5, Reed discloses the method of claim 4 further comprising the step of reading the at least one of the syncGUID and the trackingGUID from the device/user configuration file (see par. 0209; reading the id of the file by comparing the value).

Regarding Claim 6, the combination of Reed, Thomas and Border disclose wherein Boarder further discloses the method of claim 1 wherein the predetermined value is fifteen minutes (see par. 0236; a timer preset values ranging from minutes to hours. The value of 15 minutes is within the range specified).

Regarding Claim 7, the combination of Reed, Thomas and Border disclose wherein Boarder further discloses the method of claim 1 wherein the predetermined value is in the range of one to two hours (see par. 0236; a timer preset values ranging from minutes to hours).

Regarding Claim 8, Reed discloses the method of claim 1 wherein the step of sending the sync notification comprises sending the sync notification using the SMTP (simple mail transfer protocol) protocol (see par. 0023; sending the notification via email; therefore the protocol of transmission is SMTP).

Regarding Claim 9, Reed discloses the method of claim 1 further comprising the step of

determining if the client device has received the event of interest (see par. 0292;

receiving an acknowledgement message that indicates that the client received the event

of interest).

Regarding Claim 10, Reed discloses the method of claim 1 wherein the step of

receiving notification that an event of interest has been received comprises the step of

receiving a trigger event (see par. 0291; notification is triggered as a result of an event).

Regarding Claim 11, Reed substantially discloses the invention as claimed at least one

computer readable storage medium having computer executable instructions for

providing a sync notification to a client device (see par. 0029, 0548), the computer

executable instructions performing the steps of: receiving notification that an event of

interest has been received (see par. 0023, par. 0207; a notification is received that

meets certain criteria and therefore is of interest); determining a state of the client

device, said state indicating whether or not the device has outstanding sync

notifications, said state being determined based on a trackingGUID and a syncGUID

(see par. 0032, par. 0209; based on comparison of the values of the two identifiers, the

sync determination is made); and sending the sync notification to the client device (see

par. 0291; the appropriate action is sent to the client) if the state of the client device

indicates that the client device has at least one outstanding sync notifications (see par.

0209; the value of the two identifiers are compared to determine if a sync is in order)

and the current time is greater than a timeout; and not sending the sync notification to

the client device if the state of the client device indicates that the client device has at

least one outstanding sync notification and the current time is less than a timeout (see

par. 0209-0210; the object is discarded or other process takes place if the value

indicates no sync is needed).

Reed substantially discloses the invention as claimed above but does not

explicitly disclose wherein said state indicating whether or not the device has

outstanding sync notifications, said state being determined based on a trackingGUID

and a syncGUID. However in the same field of invention Thomas discloses wherein

said state indicating whether or not the device has outstanding sync notifications, said

state being determined based on a trackingGUID and a syncGUID (see par. 0035-

0037). It would have been obvious to one of the ordinary skill person in the art of

networking to combine the teaching of Reed and Thomas for the synchronization

method and system for sender and receiver of the notification.

Reed and Thomas substantially disclose the invention as claimed but does not

explicitly disclose wherein said the current time is greater than a timeout and the current

time is less than a timeout. However in the same field of invention Border discloses

wherein said the current time is greater than a timeout and the current time is less than

a timeout (see par. 0239-0240; expiration time of timer indicates maximum length of

time and par. 0291-0292; sync notification).

It would have been obvious to one of the ordinary skill person to combine the

teaching of Reed, Thomas and Border for setting timeouts to make certain other end

acknowledges notifications that are sent. Motivation so doing so would have been that the method will be improved toward performing notifications synchronization.

Regarding Claim 12, the combination of Reed, Thomas and Border disclose the at least one computer readable storage medium of claim 11 having further computer executable instructions for performing the steps comprising: if the trackingGUID does not equal the syncGUID: setting the trackingGUID equal to the syncGUID; setting a timeout equal to the current time plus a predetermined value; and sending the sync notification to the client device (see Reed: par. 0291, 0209, Boarder: par. 0239-0240, Thomas: par. 0035-0037).

Regarding Claim 13, the combination of Reed, Thomas and Border disclose wherein Thomas further discloses the at least one computer readable storage medium of claim 12 having further computer executable instructions for performing the steps comprising determining if the trackingGUID equals the syncGUID (see par. 0035-0037).

Regarding Claim 14, the claim limitations are substantially same as claimed above and therefore are rejected for the same reason (see claim 3 above).

Regarding Claim 15, the claim limitations are substantially same as claimed above and therefore are rejected for the same reason (see claim 6 above).

Regarding Claim 16, the claim limitations are substantially same as claimed above and

therefore are rejected for the same reason (see claim 7 above).

Regarding Claim 17, the claim limitations are substantially same as claimed above and

therefore are rejected for the same reason (see claim 4 above).

Regarding Claim 18, the claim limitations are substantially same as claimed above and

therefore are rejected for the same reason (see claim 5 above).

Regarding Claim 19, the claim limitations are substantially same as claimed above and

therefore are rejected for the same reason (see claim 8 above).

Regarding Claim 20, the claim limitations are substantially same as claimed above and

therefore are rejected for the same reason (see claim 9 above).

Regarding Claim 21, the claim limitations are substantially same as claimed above and

therefore are rejected for the same reason (see claim 10 above).

Regarding Claim 22, (canceled).

4.   Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reed et

al (Reed) (US 2002/0095454) in view of Thomas et al (Thomas) (US 2003/0004917).

Regarding Claim 23, Reed substantially discloses the invention as claimed a method to provide a sync notification to a client device comprising the steps of: receiving notification that an event of interest has been received (see par. 0023, par. 0207; a notification is received that meets certain criteria and therefore is of interest); determining if a trackingGUID (globally unique identifier) equals a syncGUID (see par. 0209; the value of the two identifiers are compared), wherein the syncGUID is updated after each successful device synchronization of the client device (see par. 0209; the version value is updated as a result of successful sync) and the trackingGUID is the last known syncGUID (see par. 0209; the version value is equal to that of the existing object); determining a state of the client device is not up-to-date when the trackingGUID (globally unique identifier) equals the syncGUID, wherein the client device has not performed a sync since a prior notification was processed and the client device is not in the up-to-date state prior to the received notification (see par. 0210-0211; a newer version value indicates not being up-to-date); determining the state of the client device is up-to-date when the trackingGUID (globally unique identifier) does not equal the syncGUID, wherein the client device has performed a sync since the prior notification was processed and the client device is in the up-to-date state prior to the received notification (see par. 0209-0210; not having a newer version indicates being up-to-date); sending the sync notification to the client device (see par. 0291; the appropriate action is sent to the client), if the state of the client device indicates the client device is in the up-to-date state prior to the received notification (see par. 0209; not having a newer

version indicates being up-to-date); and not sending the sync notification to the client device (see par. 0291; the appropriate action of deletion or inactivation of the recipient instance), if the state of the client device indicates the client device is not in the up-to-date state prior to the received notification (see par. 0210; a newer version value indicates not being up-to-date).

Reed substantially discloses the invention as claimed above but does not explicitly disclose wherein said determining if a trackingGUID (globally unique identifier) equals a syncGUID. However in the same field of invention Thomas discloses wherein said determining if a trackingGUID (globally unique identifier) equals a syncGUID (see par. 0035-0037).

It would have been obvious to one of the ordinary skill person in the art of networking to combine the teaching of Reed and Thomas for the synchronization method and system for sender and receiver of the notification. . Motivation so doing so would have been that the method will be improved toward performing notifications synchronization.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please see the form PTO-892 (Notice of Cited Reference) for a list of more relevant prior arts.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to UMAR CHEEMA whose telephone number is (571)270-3037. The examiner can normally be reached on M-F 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, William Jr. Vaughn can be reached on 571-272-3922. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

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uc
Examiner, Art Unit 2144

/William C. Vaughn, Jr./
Supervisory Patent Examiner, Art Unit 2144